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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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and of all persons claiming under him or them, by virtue of any title subsequent to such mortgage; but no title accruing prior to the execution of such mortgage, shall be affected thereby.

SEC. 18. Any person to whom a subsequent mortgage may have been executed, shall be entitled to the same privilege of redemption of the mortgaged premises, that the mortgagor might have had, or of satisfying the prior mortgage; and shall by such satisfaction acquire all the benefits to which such prior mortgage, was or might have been entitled.

Subsequent mortgagee entitled to redeem.

SEC. 19. When the mortgaged premises, or any part of them, shall have been purchased at such sale by the mortgagee, his legal representative, or his or their assigns, as herein before provided, the affidavits of the publication and affixing notice of sale, and of the circumstances of such sale, shall be evidence of the sale, and of the foreclosure of the equity of redemption, as herein specified, without any conveyance being executed, in the same manner, and with the like effect, as a conveyance executed by a mortgagee upon such sale to a third person.

What shall be deemed evidence of the sale and foreclosure of the equity of redemption.

CHAPTER 86.

OF PROCEEDINGS FOR THE COLLECTION OF DEMANDS AGAINST BOATS AND VESSELS.

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SEC. 1. Every boat or vessel, used in navigating the waters of this territory shall be liable:

Boats &c., for what debts liable.

1. For all debts contracted by the master, owner, agent, or consignee thereof, on account of supplies furnished for the use of such boat or vessel, on account of work done or services rendered on board of such boat or vessel, or on account of labor done or materials furnished by mechanics, tradesmen, or others in and for building, repairing, fitting out, furnishing, or equipping such boat or vessel:

2. For all sums due for wharfage or anchorage of such boat or vessel within this territory:

3. For all demands or damages, accruing from the non-performance, or mal-performance of any contract of *alfreightment*, or any contract touching the transportation of persons or property, entered into by the

COLLECTION OF DEMANDS AGAINST BOATS.

master, owner, agent, or consignee of the boat or vessel on which such contract is to be performed; and,

4. For all injuries done to persons or property by such boat or vessel.

Suit may be instituted against boat.

SEC. 2. Any person having a demand as aforesaid, instead of proceeding for the recovery thereof, against the master, owner, agent, or consignee of a boat or vessel, may at his option institute suit against such boat or vessel by name.

Suit how instituted against boat.

SEC. 3. Any plaintiff wishing to institute suit against a boat or vessel, shall file his complaint against such boat or vessel by name, with the clerk of the district court of the county in which such boat or vessel shall lie or be.

Complaint what to contain.

SEC. 4. The complaint shall set forth the plaintiff's demand in all its particulars, and on whose account the same accrued; it shall be verified by the affidavit of the plaintiff or some credible person for him.

When warrant to be issued.

SEC. 5. Whenever any complaint, as aforesaid, shall be filed in the office of the clerk of the district court, it shall be his duty to issue a warrant returnable in twenty days, directing and authorizing the sheriff to seize the boat or vessel mentioned in the complaint, and detain the same in his custody, together with its tackle, apparel, and furniture, until discharged from such custody by due course of law.

Proceedings how conducted.

SEC. 6. Upon the return of any warrant, issued by virtue of the next preceding section, proceedings shall be had in the district court against the boat or vessel seized, in the same manner as if suit had been instituted against the person on whose account the demand accrued.

Who may defend, &c.

SEC. 7. The master, owner, agent, or consignee, of the boat or vessel, may appear on behalf of such boat or vessel, and answer the complaint.

If answer is not made in twenty days judgment, &c.

SEC. 8. If in any action, commenced under the provisions of this chapter, the master owner, agent, or consignee, of the said boat or vessel, shall not appear and answer the complaint, in twenty days after the said action shall be commenced, the plaintiff may proceed to take judgment, in the same manner, and under the same restrictions, as in a civil action against a natural person; if an issue of facts should be joined, the proceedings shall be had as in other actions.

Bond may be given and boat discharged

SEC. 9. If the master, owner, agent, or consignee shall, before final judgment in any suit instituted by virtue of this chapter, give bonds to the plaintiff in such suit, with sufficient sureties, to be approved by the court, or the judge or clerk thereof in vacation, conditioned to satisfy the amount which shall be adjudged to be owing and due to the plaintiff, in the determination of the suit, together with all costs accruing, such boat or vessel, with the tackle, apparel, and furniture, belonging thereto, shall be discharged from further detention by the sheriff.

Boat, &c., may be sold.

SEC. 10. If judgment shall be rendered against any boat or vessel, in favor of the plaintiff, the court shall make an order directed to the sheriff, commanding him to sell such boat or vessel, together with its tackle, apparel, and furniture, to satisfy the judgment, and all costs that may have accrued in the cause, which order shall be executed and returned in the same manner as executions.

Execution for plaintiff how issued.

SEC. 11. If bond and security shall have been entered into, according to the ninth section of this chapter, and judgment shall have been rendered in favor of the plaintiff, execution shall be issued for the amount of judgment and costs, in favor of the plaintiff, against the principal and security in such bond.

Justices of the peace have cognizance, &c.

SEC. 12. Justices of the peace, within their respective counties, shall have cognizance of all cases arising under this chapter, when the

FORCIBLE ENTRY AND DETAINER.

demand claimed, shall not exceed the jurisdiction of a justice of the peace.

SEC. 13. In all their proceedings, justices of the peace shall conform to the provisions of the law governing justices' courts, and as near as may be to the provisions of this chapter, as they apply in the district court.

Proceedings before justices of the peace.

SEC. 14. Each warrant issued by a justice of the peace under this chapter, shall be returnable forthwith; and upon the return of such warrant, it shall be the duty of the justice of the peace to hear and determine the complaint of the plaintiff, in a summary manner.

Warrant issued by a justice how returned.

SEC. 15. All warrants issued by the provisions of this chapter, shall be served and returned as writs or warrants of attachment are served and returned.

Warrant issued by a justice how returned.

SEC. 16. Whenever an order of sale shall be made for the sale of a boat or vessel, with its tackle, apparel, and furniture, the sheriff or constable shall have power to sell such part thereof, or such interest therein, as shall be necessary to satisfy the amount of judgment rendered in favor of the plaintiff, and all the costs that may have accrued.

Part of boat, &c., may be sold.

SEC. 17. Upon good and sufficient cause shown by the master, owner, agent, or consignee of any boat or vessel, sold under this chapter, the court or justice of the peace may grant a continuance of the cause; but no such continuance shall operate as a discharge of such boat or vessel from the custody of the sheriff or constable.

Continuance how granted.

SEC. 18. No continuance of a cause, under this chapter, shall be granted to the plaintiff.

Continuance when refused.

SEC. 19. Sheriffs, constables, and other officers, shall receive the same fees and compensation for their services under this chapter, as are allowed them in cases of suits of attachment.

Fees of officers.

SEC. 20. In all cases arising under this chapter, if judgment shall have been rendered in favor of the plaintiff, the master, owner, agent, or consignee of the boat or vessel, or other person interested, may appeal from the judgment, as if they, or either of them, had been sued.

Appeal allowed.

SEC. 21. All actions against a boat or vessel, under the provisions of this chapter, shall be commenced and sued within one year after the cause of such action shall have accrued.

Limitation of action.

CHAPTER 87.

OF FORCIBLE ENTRIES AND UNLAWFUL DETAINERS.

SECTION

1. No person to make forcible entry into lands, &c.
2. Justice to try such entries and detainers.
3. Upon complaint being filed, justice to issue summons.
4. Summons how served.
5. Trial by jury may be demanded by either party.

SECTION

6. Summons may be served by copy in certain cases.
7. Continuance when granted.
8. Depositions may be used in certain cases.
9. Judgment how entered where defendant is found guilty.
10. Proceedings when jury cannot agree.
11. Treble damages allowed.